



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: May 20, 2020

TIME: 1:36 PM

WSR 20-12-002

**Agency:** Employment Security Department

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
- No
- If Yes, explain:

**Purpose:** The rulemaking is proposed in order to prevent individuals from fraudulently obtaining unemployment benefits. This rule suspends weekly benefit payments to individuals when the Department suspects the claim has been fraudulently filed until the end of the following week and requires individuals to respond to a request for information about the suspected fraud. Under the rule, if the Department denies benefits prior to the end of the next week, then the suspended payment is also denied. If the Department does not deny benefits prior to the end of the next week, then the suspended payment is paid in addition to the regular weekly payment.

**Citation of rules affected by this order:**

New: 192-140-096  
 Repealed:  
 Amended:  
 Suspended:

**Statutory authority for adoption:** RCW 50.12.040

**Other authority:** Unemployment Insurance Program Letter 1-16, Change 1 (Jan. 13, 2017); Unemployment Insurance Program Letter No. 04-01 (Oct. 27, 2000)

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:** As a consequence of emergency measures taken in order to combat the spread of COVID-19, including new federal benefits made available under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the amount of unemployment benefits paid by the Employment Security Department have risen to unprecedented levels. There has been a significant rise in fraud, particularly, instances of imposter fraud. In the month of April, the Department paid \$1.6 million in imposter fraud payments. Emergency rules are needed to prevent the further payment of fraudulent benefits and to ensure unemployment benefits are paid only to eligible individuals.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**

New 1 Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New 1 Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted using:**

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

<b>Date Adopted:</b> May 20, 2020	<b>Signature:</b> 
<b>Name:</b> Dan Zeitlin	
<b>Title:</b> Employment Security Policy Director	